

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GREGORY LAMAR NELMS,

Plaintiff,

V.

CASE NO. 2:09-cv-750-ID
[WO]

THE BOARD OF PARDONS AND
PAROLE COURT HEARINGS,

Defendant.

ORDER

The Magistrate Judge entered a Recommendation (Doc. #4) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #4) of the Magistrate Judge is ADOPTED. It is further

ORDERED as follows:

- a. Plaintiff's complaint against Defendant Alabama Board of Pardons and Paroles is DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i);
- b. Plaintiff's challenge to the revocation of his parole is DISMISSED without prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii);

and

- c. the complaint under 42 U.S.C. § 1983 is DISMISSED prior to service of process.

Done this 16th day of September, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE